

Notice of Allowability

Application No.

10/604,118

Applicant(s)

HEINEMAN ET AL.

Examiner

Tianjie Chen

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Response filed on 10/02/2007.

2. The allowed claim(s) is/are 1-58.

3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date 20071206.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
 Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
 Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Tianjie Chen
TIANJIE CHEN
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- The withdrawn claims are rejoined for examination, claims 1-58 are under examination.
- In p. 370 of the Supplemental Amendment filed on 02/03/2006, "Fig. 41C" should be changed to --Fig. 42--.

Reasons for Allowance

2. Claims 1-58 are allowed.

The following is an examiner's statement of reasons for allowance:

- With regard to independent claim 1, as the closest reference of record, Dimitri (US 5,818,723) shows a magazine-based data cartridge library including: a shelf system, located within the library, for supporting at least two data cartridge magazines and including at least one shelf; a drive that is located within the library; a magazine transport device, located within the library, for moving a data cartridge magazine within a portion of an interior space defined by the library; a cartridge transport device, located within the cabinet, for moving a data cartridge between one of the data cartridge magazines and the drive; **but fails to show** a cabinet and an entry/exit port for conveying one of the data cartridge magazines between an environment that is exterior to the cabinet and the interior space; wherein the interior space is accessible to the magazine transport device so that the magazine

transport device can move one of the data cartridge magazines between the interior space and the shelf of the shelf system.

- With regard to independent claim 12, as the closest reference of record, Dimitri (US 5,818,723) shows a magazine-based data cartridge library including: a cabinet; a shelf system, located within the cabinet, for supporting at least two data cartridge magazines and including at least one shelf; a drive that is located within the cabinet; a magazine transport device, located within the cabinet, for moving a data cartridge magazine within a portion of an interior volume defined by the cabinet; a cartridge transport device, located within the cabinet, for moving a data cartridge between a data cartridge magazine and the drive; **but fails to show** and an entry/exit port for conveying a data cartridge magazine between an environment that is exterior to the cabinet and a space that is interior to the cabinet and that is accessible to the magazine transport device so that the magazine transport device can move a data cartridge magazine between the space and the shelf of the shelf system; wherein the entry/exit port comprises: a magazine holder; means for moving the magazine holder between: (a) a first position at which an operator can either readily associate a data cartridge magazine with the magazine holder or readily remove a data cartridge magazine from the magazine holder, and (b) a second position at which the magazine transport device can either associate a data cartridge magazine with the magazine holder or readily remove a data cartridge magazine from the magazine holder; and a door mechanism for exposing and unexposing the magazine holder.
- With regard to independent claim 48, as the closest reference of record, Dimitri (US 5,818,723) shows a magazine-based data cartridge library

including a cabinet and a magazine transport device located within the cabinet; **but fails to show** a method for moving a magazine holder between an environment that is exterior to the cabinet and a space that is interior to the cabinet and accessible to the magazine transport device.

- With regard to in dependent claim 56, as the closest reference of record, Dimitri (US 5,818,723) shows a magazine-based data cartridge library including a cabinet defining an interior space; a shelf system in the interior space adapted to support at least a first and second data cartridge magazine; at least a first drive in the interior space adapted to read and write data on a data cartridge; a magazine transport device capable of transporting within the interior space one of the magazines from the shelf system to a position for a cartridge transport to move at least one data cartridge from the data cartridge magazine to a cooperating relationship with the first drive; **but fails to show** an entry/exit port capable of receiving one of the magazines from outside the interior space wherein the magazine transport device is capable of moving the magazine within the interior space to the shelf system.
- With regard to in dependent claim 58, as the closest reference of record, Dimitri (US 5,818,723) shows a magazine-based data cartridge library including a cabinet defining an interior space; a shelf system adapted to support at least a first and second data cartridge magazine, each of the data cartridge magazines supporting at least one corresponding data cartridge; at least a first drive adapted to read and write data to and from at least one of the data cartridges; **but fails to show** an entry/exit port capable of receiving one of the magazines into the interior space from outside the interior space

wherein the magazine is movable within the interior space; and a magazine transport device, confined to the interior space and adapted to move one of the magazines received by the entry/exit port within the interior space either to the shelf system or to a location in proximity to the drive, the location is other than the shelf system, whereby at least one of the data cartridges corresponding to the and supported by the one of the magazines received by the entry/exit port is made available for use by the drive.

- Applicant asserts that movable end wall (first surface) is comprised of an S-shaped member that is pivotally attached to brackets as shown in Fig. 18C, to prevent a magazine from entering the operational space of the magazine transport and cartridge transport in an uncontrolled fashion. Moving S-shaped member into the second position so that the magazine transport either remove a magazine from the tray or associate a magazine with the tray ([0121]).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000



TIANJIE CHEN
PRIMARY EXAMINER